

**ENGINEERING AND LAND SURVEYING
EXAMINING BOARD[193C]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 8, “Professional Conduct of Licensees,” Iowa Administrative Code.

The amendment to Chapter 8 clarifies the rules pertaining to unethical or illegal conduct.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 7, 2013, as **ARC 0928C**. A public hearing was held on Wednesday, August 28, 2013, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa. One comment was received via e-mail. The Board took the comment into consideration at the September 12, 2013, Board meeting. A task force is being assembled to address all of the rules in Chapter 8, including the concerns of the individual providing written comments.

This amendment is identical to the one published under Notice of Intended Action.

This amendment was adopted by the Board on September 12, 2013.

This amendment is subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact toward jobs.

This amendment is intended to implement Iowa Code section 542B.21.

This amendment will become effective November 6, 2013.

The following amendment is adopted.

Amend subparagraph **8.2(6)“a”(7)** as follows:

(7) When a licensee’s organization or a principal, officer, other member, or employee of the licensee’s organization has review authority over the engineering or land surveying projects performed by private contractors within the jurisdiction of a governmental body, the licensee shall not solicit or accept a private engineering or land surveying contract that falls under the review services performed for that governmental body. The purpose of this paragraph is to avoid a circumstance in which a licensee may be called upon to review on behalf of a governmental body the engineering or land surveying services performed by the licensee’s own organization.

However, if the licensee exercising review authority does so as a member of a multimembered body with review authority, the conflict of interest may be addressed by the disqualification or recusal of the licensee when engineering or land surveying services of the licensee’s organization are under review. In that circumstance, the solicitation or acceptance of a private engineering or land surveying contract by the licensee’s organization would not be in violation of this rule.

[Filed 9/13/13, effective 11/6/13]

[Published 10/2/13]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.